

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

CASE NO. 23-51501-wlh

REGINALD ANTHONY CLEMMONS,

CHAPTER 13

Debtor.

CREDIT UNION 1,

Movant,

vs.

REGINALD ANTHONY
CLEMMONS AND NANCY J.
WHALEY, TRUSTEE,

Respondents.

MOTION FOR RELIEF FROM STAY
WITH WAIVER OF 30 DAY REQUIREMENT
PURSUANT TO 11 U.S.C. SECTION 362(e)

Movant, CREDIT UNION 1, moves this Court for the entry of an Order Lifting the Automatic Stay and all express injunctions, if any, and in support thereof shows as follows:

1. This contested matter relates to Bankruptcy Petition No. 23-51501-wlh filed in the Bankruptcy Court of the Northern District of Georgia under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Section 1334, as referred under 28 U.S.C. Section 157, and it constitutes a "core proceeding" within the meaning of the latter statute.

3. CREDITOR is precluded by the force and effect of paragraph (4) and (5) of Section 362(a) of the Bankruptcy Code from enforcing CREDITOR's lien against property of the estate and property of the Debtors.

4. The Debtor, REGINALD ANTHONY CLEMMONS, is indebted to CREDITOR for the following sum:

Auto Loan Account # XXXX96: \$7,054.33. A copy of the loan documents are attached hereto as "Exhibit A."

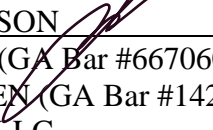
5. The above-referenced loan is secured by a lien on a 2016 Nissan Altima, VIN#: 1N4AL3AP0GC274421. Creditor has a properly perfected lien on this automobile as shown by the Certificate of Title (electronic version) attached hereto as "Exhibit B."

6. The Creditor is not adequately protected in that the collateral is depreciating.

7. The Debtor has failed to maintain insurance on the auto and Creditor seeks to lift the stay to liquidate the vehicle.

8. CREDITOR is and will continue to suffer irreparable harm from continuation of the 11 U.S.C. §362 automatic stay.


WHEREFORE, CREDIT UNION 1 requests this Court to enter its Order Lifting the Automatic Stay as to this property and to allow CREDIT UNION 1 to enforce its security interest in the aforesaid property. In the event a hearing cannot be held within 30 days of this Motion, Movant waives the requirement pursuant to 11 U.S.C. Section 362(e) that a hearing of the Motion be held within 30 days of the date of this filing.



/s/ JAMES E. SORENSON
JAMES E. SORENSON (GA Bar #667060),
D. TYLER VAN LEUVEN (GA Bar #142073), of
Sorenson Van Leuven, PLLC.
Post Office Box 3637
Tallahassee, Florida 32315-3637
Telephone (850) 388-0500
Facsimile (850) 391-6800
bk@svllaw.com
Attorneys for Creditor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Reginald Anthony Clemmons, 3379 Flat Shoals Road, Apt L2. Camilla, Decatur, GA 30034, Debtor, E. L. Clark, Building 3, 3300 Northeast Expwy., Atlanta, GA 30341, and Nancy J. Whaley, Suite 120, Truist Plaza Garden Offices, 303 Peachtree Center Avenue, Atlanta, GA 30303, Trustee, by electronic means or U.S. Mail on this 12th day of July, 2023.



/s/ JAMES E. SORENSON
Attorney